



City Council Meeting & Public Hearing

SEPTEMBER 19, 2022

OFFICIAL MINUTES

Office of the City Clerk

ALPHARETTA CITY HALL
COUNCIL CHAMBERS | 2 PARK PLAZA | 6:30 PM

OFFICIAL MINUTES

The public is advised that the following minutes are not a verbatim transcription of business presented at the Council Meeting of the date shown; but are a synopsis of pertinent information. The public is further advised that the video recording of said meeting is a matter of public record and are available to be viewed online at <https://www.youtube.com/user/alpharettagov> or by visiting the City of Alpharetta's Clerk's office during normal business hours.

I. CALL TO ORDER

- Mayor Gilvin called the meeting to order at 6:30p.m.

II. ROLL CALL

• Council Members

- Mayor Jim Gilvin
- Mayor Pro Tem Dan Merkel
- Donald F. Mitchell
- Douglas J. DeRito
- Brian Will

• Absent

- Jason Binder
- John Hipes

• Staff

- Chris Lagerbloom, City Administrator
- Molly Esswein, City Attorney with Jarrard & Davis
- James Drinkard, Asst. City Administrator
- Lauren Shapiro, City Clerk
- John Robison, Director of Public Safety
- Kathi Cook, Director of Community and Economic Development
- Morgan Rodgers, Director of Recreation, Parks, and Cultural Services
- Pete Sewczwicz, Director of Public Works

- Tom Harris, Director of Finance
- Adam Montgomery, Information Security Manager
- Eric Graves, Senior Transportation Engineer / Planner

III. PLEDGE TO THE FLAG

IV. CONSENT AGENDA

A. Council Meeting Minutes (Meeting of 8/22/2022)

B. Special Called City Council Meeting Minutes (Meeting of 9/1/2022)

C. Alcoholic Beverage License Applications

1. PH-22-AB-23 Buffalo Key West Connection, LLC

d/b/a Creation Social House

11500 Webb Bridge Way #A7, Alpharetta, GA 30005

Restaurant

Consumption on Premises

Liquor, Beer, Wine, & Sunday Sales

Owner: Buffalo Key West Connection, LLC

Registered Agent: Joseph Rampino

2. PH-22-AB-24 Arnold Mill Ventures, LLC

12335 Arnold Mill Road, Alpharetta, GA 30004

Convenience Store

Retail Package Sales

Beer, Wine, & Sunday Sales

Owner: Arnold Mill Ventures, LLC

Registered Agent: Shaheen Bijani

3. PH-22-AB-25 Ramen Spot GA, LLC

d/b/a Ramen Spot

7300 North Point Parkway, Suite 102 Alpharetta, GA 30022

Restaurant

Consumption on Premises

Liquor, Beer, Wine, & Sunday Sales

Owner: Ramen Spot GA, LLC

Registered Agent: Ben Yi Zhang

4. PH-22-AB-26 Lazy Dog Colorado OPS, LLC

d/b/a Lazy Dog Restaurant & Bar

10800 Haynes Bridge Road, Alpharetta, GA 30022

Restaurant

Consumption on Premises

Liquor, Beer, Wine & Sunday Sales
Owner: Lazy Dog Colorado OPS, LLC
Registered Agent: Michael Sard

5. **PH-22-AB-27 Sid's Pizza and Grill, LLC**
11770 Haynes Bridge Road, Alpharetta, GA 30009

Restaurant
Consumption on Premises
Beer, Wine, & Sunday Sales
Owner: Sid's Pizza and Grill, LLC
Registered Agent: Sharon Kurnett

6. **PH-22-AB-28 Phillips Brothers Hospitality Group, Inc.**
d/b/a Mercantile Social
20 North Main Street, Alpharetta, GA 30009

Restaurant
Consumption on Premises
Liquor, Beer, Wine, & Sunday Sales
Owner: Phillips Brothers Hospitality Group, Inc.
Registered Agent: Mark Phillips

- D. **FY2023 Law Enforcement Training Program Grant**
- E. **Approval of the Permanent Easement and Maintenance Agreement between Berberian Properties, LLC and the City of Alpharetta, and authorize the Mayor to execute all necessary documents.**
- F. **Approval of Conflict Waiver between the City of Milton and the City of Alpharetta, Georgia for the purposes of preparing an Intergovernmental Agreement with respect to housing of inmates at the Alpharetta Jail.**
- G. **Right of Entry, Indemnification and Maintenance Agreement between Pappas Restaurants, Inc. and the City of Alpharetta.**
- H. **Lost Intergovernmental Agreement: Cost Sharing**
Approval of an Intergovernmental Agreement by and among City of Alpharetta, Georgia, City of Atlanta, Georgia, City of Chattahoochee Hills, Georgia, City of College Park, Georgia, City of East Point, Georgia, City of Fairburn, Georgia, City of Hapeville, Georgia, City of Johns Creek, Georgia, City of Milton, Georgia, City of Mountain Park, Georgia, City of Palmetto, Georgia, City of Roswell, Georgia, City of South Fulton, Georgia, and City of Sandy Springs, Georgia for sharing of certain costs related to Local Option Sales Tax Negotiation with Fulton County, Georgia.

❖ **Council Member Mitchell offered a motion to approve the Consent Agenda.**

- **Mayor Pro Tem Merkel seconded the motion.**
- **The motion was approved unanimously (5-0).**

V. PRESENTATIONS & PROCLAMATIONS

A. Constitution Week 2022

- Mayor Gilvin presented representatives of the Patriots of Liberty Chapter of the National Society Daughters of the American Revolution with a proclamation for 2022 Constitution Week.

VI. PUBLIC HEARING

A. MP-22-03 / Z-22-05 / CU-22-02 / V-22-07 / North Point Redevelopment

DEFERRED: This item has been deferred by the applicant and will not be presented, heard, or discussed during this meeting. This item has been placed on the November 7, 2022 City Council Meeting & Public Hearing agenda.

Consideration of a master plan amendment, rezoning, conditional use and variances to allow for the demolition of approximately 464,000 square feet of the existing mall including 2 anchor boxes and redevelopment with 315,700 square feet of new retail, restaurants and creative office, 120,000 square feet of office, 150-room hotel, 900 'For-Rent' units, 36 'For-Sale' townhomes, and approximately 19 acres of open space on 83.67 acres. A master plan amendment is requested to the North Point Mall Master Plan to modify development regulations. A rezoning is requested from PSC (Planned Shopping Center) to MU (Mixed Use) and a conditional use is requested to allow Dwelling, 'For-Rent', Dwelling, 'For-Sale' Attached, and to increase the allowable density. Variances are requested to increase building height and encroach into the Georgia 400 buffer for the MARTA BRT and multi-use trail. The property is located at 1000 North Point Parkway, 4500 North Point Place, 0 & 5000 North Point Drive, 2000 & 6000 North Point Circle, and 0 Rock Mill Road and is legally described as being located in Land Lots 688, 689, 700, 701, 702, 742 & 743, 1st District, 2nd Section, Fulton County, Georgia.

B. PH-22-10 / Unified Development Code (UDC) Text Amendment – Banner Signs

Public Hearing & First Reading

Consideration of text amendments to the Unified Development Code related to banner signs and allowing the Director of Community Development to approve an extension to the period of time that a business may display a banner sign when the business has frontage on a road that is under construction.

- Director of Community and Economic Development, Kathi Cook, came forward to present this item.
- This item was considered at the 9/1/2022 Planning Commission meeting. There were no public comments. After discussion, Planning Commission recommended approval subject to changing 'retail and restaurant business' to 'commercial business' and adding the 'County' as it relates to roadway construction activities (7-0).
- Construction can have impact on our businesses (monument signs removed, equipment parked in front of buildings).

- An amendment to the code is requested in order to provide the Director of Community Development authority, at the Director's sole discretion, to administratively allow a banner to remain past the 14-day period for a business that fronts a roadway that is under construction. The roadway construction must be a project under construction for 6 months or longer and a project overseen by the city, Georgia Department of Transportation or Fulton County (not private development).
- Multi-tenant properties would only be allowed a single banner and if banners are not maintained in good condition, removal would be required.
- Director Cook shared that we cannot dictate what is said/verbiage on the banner.
- Proposed amendment language is attached hereto as "Exhibit A."
- City Attorney, Molly Esswein, read the ordinance title aloud.

Public Comment:

- There were no public comments.

City Council Discussion:

- Council Member Mitchell asked if it the construction period could be reduced to three (3) months.
- ❖ Mayor Pro Tem Merkel offered a motion to approve PH-22-10 / Unified Development Code (UDC) Text Amendment – Banner Signs – Public Hearing and First Reading.
 - Council Member DeRito seconded the motion.
 - The motion was approved unanimously (5-0).

VII. NEW BUSINESS

A. Citywide Security Systems: Badge Access Systems

- Director of Public Safety, John Robison, came forward to present this item.
- Staff is recommending that Mayor and Council award a contract for replacement/expansion of the city's badge reader system to NetPlanner Systems Inc. under the terms of GA State Contract #99999-SPD0000172-12 in an amount totaling \$254,808.36 and authorize the Mayor to execute all necessary documents. Included in this request is a reallocation of \$47,549 from the non-allocated reserve account within the Capital Project Fund.
- The FY 2023 capital budget included funding totaling \$220,000 for a refresh of the badge reader system, including the cost to remove and replace existing obsolete access control hardware within city buildings. The current system's electronic hardware is no longer manufactured, and replacement parts are no longer available.
- The project scope as proposed will upgrade the existing system, add additional control points to some buildings (not currently serviced), and add improved security to information technology infrastructure. Specifically, the 2023 funding request covers the

refresh/upgrade of existing equipment, and staff is requesting additional funding to cover the expansion of the badge reader system to multiple facilities that currently do not have a badge reader system and a 5% contingency to cover incidentals (supplies/materials).

Public Comment:

- There were no public comments.
- ❖ Council Member Will offered a motion to approve the award of a contract for replacement/expansion of the city's badge reader system to NetPlanner Systems Inc. under the terms of GA State Contract #99999-SPD0000172-12 in an amount totaling \$254,808.36 and authorize the Mayor to execute all necessary documents. Included in this request is a reallocation of \$47,549 from the non-allocated reserve account within the Capital Project Fund.
 - Council Member Mitchell seconded the motion.
 - The motion was approved unanimously (5-0).

B. Acceptance of the 2022 Fulton County Arts & Culture Grant Award

- Director of Recreation, Parks, and Cultural Services, Morgan Rodgers, came forward to present this item.
- Council Member Will left the meeting and abstained from this item, as his business is one that has applied to be a part of the Music Match program the past and may again in the future.
- Staff is recommending that Mayor and Council approve the acceptance of the 2022 Fulton County Arts & Culture Grant, with a matching contribution from the City of Alpharetta not to exceed \$15,000 and authorize the Mayor to execute all necessary documents.
- The Fulton County Arts & Culture Grant has been awarded to the City of Alpharetta in varying amounts for four consecutive years beginning in 2019. This year, the City has been awarded a \$15,000 Fulton County Arts & Culture Grant. The grant has a requirement for a \$15,000 match from the City of Alpharetta, which can be comprised of cash and in-kind services. \$15,000 City of Alpharetta Grant Match (Recreation, Parks, and Cultural Services has \$10,500 budgeted for this grant award and will contribute \$4,500 of city staff program hours to satisfy the match requirements).
- Traditionally, the City has used this grant to help fund the Alpharetta Music Match program. The Alpharetta Music Match program is part of the larger initiative, *Alpharetta Music City* and provides live music performances throughout the year in the City of Alpharetta, serving North Fulton residents and visitors. The City of

Alpharetta, Arts Alpharetta, Alpharetta Convention & Visitors Bureau, and Alpharetta Business Association promote the Music Match program.

- If this award acceptance is approved, the Fulton County Arts & Culture Grant will help fund approximately fifty (50) Live Music Match Performances in Alpharetta. The actual number of performances varies based on the cost of each performing artist's fees. In 2021, there were sixty-four (64) total music performances. Additionally, in 2021 and 2022, the Wire & Wood Songwriter's Festival utilized the Music Match Program to give businesses the opportunity to participate in the festival line-up.

Public Comment:

- There were no public comments.
- ❖ Mayor Pro Tem Merkel offered a motion to approve the acceptance of the 2022 Fulton County Arts & Culture Grant, with a matching contribution from the City of Alpharetta not to exceed \$15,000 and authorize the Mayor to execute all necessary documents.
 - Council Member Mitchell seconded the motion.
 - The motion was approved (4-0-1; as Council Member Will abstained from this item).
- Council Member Will rejoined the meeting once the Acceptance of the 2022 Fulton County Arts & Culture Grant Award item was voted upon and concluded.

VIII. PUBLIC COMMENT

- There were no public comments.

IX. REPORTS

- Mayor Pro Tem Merkel shared that unfortunately, Council Member Hipes was unable to attend tonight's meeting, but he wanted to pass along some positive remarks about the ribbon cutting ceremony for the Equestrian Center at Wills Park that occurred on Friday, September 16, 2022. Council Member Hipes was very proud of this event and the staff and others involved with making this happen.
- City Administrator, Chris Lagerbloom, shared that he may have a report after the conclusion of the Executive Session and asked the Mayor to hold this item open until after Executive Session.

X. EXECUTIVE SESSION

- ❖ Council Member DeRito offered a motion to recess to Executive Session.
 - Mayor Pro Tem Merkel seconded the motion.
 - The motion was approved unanimously (5-0).
- Mayor Gilvin recessed the meeting at 6:56 p.m.

- Mayor Gilvin reconvened the meeting at 7:26 p.m.

XI. REPORTS

- City Administrator, Chris Lagerbloom, shared the idea of discussing Judge Rich's report in regards to the City's Municipal Court and former Judge Barry Zimmerman at a future City Council meeting.
- Mayor Gilvin commented on the Local Option Sales Tax negotiations and Fulton County Commissioners discussing matters in a closed Executive Session.

XII. ADJOURNMENT

- ❖ Mayor Gilvin called for a vote to adjourn the meeting.
 - The City Council unanimously voted to adjourn the meeting (5-0).
- With there being no further items to consider or discuss, Mayor Gilvin adjourned the meeting at 7:34 p.m.

Respectfully submitted,



Lauren Shapiro, City Clerk

EXHIBIT A

SECTION 2.6 SIGNS¹

2.6.11 General provisions.

E. BANNERS. Banners require a permit and are permitted in all zoning districts pursuant to the following standards:

1. Banners shall be permitted for either one (1) fourteen (14) day period per calendar year per lot or two (2) seven (7) day periods per calendar year per lot. An individual banner permit may be divided into two (2) non-consecutive seven (7) day periods provided the dates are stated on the permit. However, in the case of lots which contain a shopping center (or strip shopping center) with multiple tenant spaces, each tenant space shall be allowed to erect or place a banner for either one (1) fourteen (14) day period per calendar year or two (2) seven (7) day periods per calendar year.

a. The Director may grant an extension of the time period set forth above for a commercial business when the business fronts a roadway that is under construction. In order to qualify for such an extension:

1. The subject roadway construction must be related to a project performed by the City, County or the Georgia Department of Transportation; and
2. The subject roadway construction is planned to continue for six (6) months or more following the date of the request for an extension; and
3. The subject roadway construction either:
 - a. Causes the removal of a monument sign; or
 - b. As determined in the discretion of the Director, disrupts the store frontage to the extent the site and/or business appears closed without the use of a banner.

Any extension granted under this subsection shall be limited to the duration of the subject roadway construction. Extensions granted by the Director may be revoked or limited at any time due to changes in the roadway construction or disruption of the store frontage as determined in the discretion of the Director. The Director may require removal or replacement of any banner placed pursuant to an extension at any time if the banner is not maintained in good condition as determined in the discretion of the Director.

2. In addition to the foregoing, banners shall be allowed on private property during an approved temporary use, as defined in Section 2.3.2 of the U.D.C., for the approved period of such temporary use, but not to exceed forty-five (45) days; provided, however, the placement of banners on lots during approved temporary uses shall not be permitted more than two (2) times per calendar year per lot. Any such banners shall be removed upon termination of the temporary use or within forty-five (45) days from the date it is first placed on the lot, whichever is first to occur. Upon removal, no banner shall be placed on the same lot for a period of sixty (60) days.
3. Banners shall not exceed 24 sq. ft. total area in size.

¹Editor's note(s)—Ord. No. 720 , § 2(Exh. A), adopted 2-22-2016, repealed former § 2.6 (2.6.1—2.6.14), and enacted a new § 2.6 as set out herein. The former § 2.6 pertained to similar subject matter and derived from the original codification and Ord. No. 713 , §§ 1—8, adopted Sept. 28, 2015.

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4. Banners must either be free-standing or mounted to the wall of a tenant space or the lot's existing monument sign. If free-standing, the height of the banner shall not exceed five (5) [feet] above grade. If mounted to the wall of a tenant space, the width of the banner shall not exceed tenant frontage and shall not extend above the horizontal plane of the roof where the building wall and roof meet. If mounted to the lot's existing monument sign, the banner shall not extend beyond the sign face of the monument sign.
 5. Banners shall be erected with supports or other means so that they do not sag or become dilapidated.
- F. PLACEMENT OF SIGNS. Except within the Central Business District, all free-standing signs must be set back at least ten (10) ft. from the public right-of-way. Within the Central Business District, all free standing signs must be set back at least five (5) feet from the public right-of-way.
- G. CHANGEABLE COPY. Any monument sign permitted under this Ordinance may contain up to sixty-five percent (65%) changeable copy if the sign is located on a lot zoned and used (as its principal existing use) for an institutional, public or semi-public use and which includes an indoor public assembly place accommodating one hundred (100) or more persons.

(Ord. No. 720 , § 2(Exh. A), 2-22-2016)